

**DES MOINES COUNTY, IOWA
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, December 22, 2015**

The Des Moines County Board of Adjustment met in regular session on December 22, 2015 at 5:00 P.M. in offices of the Southeast Iowa Regional Planning Commission, West Burlington, Iowa.

1. Call to Order

Vice-Chairman Dave Nuebel called the meeting to order at approximately 5:00 P.M.

2. Roll Call

Board members present: Dave Nuebel, Sam Warner, Thomas Bonar (late), Criss Roberts

Board members absent: None

Staff Present: Jeff Hanan, Land Use Administrator

Public Attendance: Myrna Zabloudil, Alan Schwartz, Michele Schnicker, Stewart Judd

3. Changes to the Tentative Agenda

No changes were made to the tentative agenda.

4. Meeting Minutes

Motion #1: To approve the Minutes of January 6, 2015 meeting (with the addition of comments regarding recording of variances)

Motion by: Warner

Seconded by: Nuebel

Vote: Unanimous vote. Motion carried.

5. New Business

A. Annual Election of Officers

Motion #2: Sam Warner as Chair

Motion by: Nuebel

Seconded by: Roberts

Vote: All Ayes. Motion carried.

Motion #3: Dave Nuebel as Vice Chair

Motion by: Roberts

Seconded by: Warner

Vote: All Ayes. Motion carried.

B. Public Hearing: Request for Special Use Permit by Stewart Judd at 6212 Summer St.

Mr. Nuebel opened the public hearing at approximately 5:07 p.m. Mr. Hanan read the staff report. Schnicker asked if there would be a floor. Judd stated there would be no floor and a gravel drive. Schnicker asked about drainage. Judd noted that the roofs would have a 4/12 pitch and would drain toward an existing drainage way that flows to the road ditch and would all be within his property. Zabloudil said she owns acreage on three sides and

that Judd has encroached on her property. She claims damage to her fence and would like a stipulation that her fence be repaired. Roberts noted that the fence repairs were not within the purview of the BOA. Nuebel noted that by bringing this to light perhaps a resolution could take place without needing an attorney. Warner said that Township Trustees serve as mediators for such things. After further discussion, Neubel closed the public hearing at approximately 5:40 p.m. Roberts asked whether the building would be open or enclosed. Judd said it would be open. Roberts noted there should be codes in the County and it is a disservice to the county and the city to not have them.

Motion #4: To grant Special Use Permit to allow for the construction of a 35' x 70' pole building with the condition that the fence be maintained and that all commercial uses be within the subject property and neighbor complaints be documented. Review in five years.

Motion by: Roberts

Seconded by: Warner

Vote: All Ayes. Motion carried.

6. Old Business

None presented.

7. Communications

None presented.

8. Future Agenda Items

None presented.

9. Adjournment

Motion #5 To adjourn

Motion by: Roberts

Seconded by: Warner

Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:01 P.M.

APPROVED: _____

Sam Warner
Board of Adjustment, Chair

Attest: _____

Jeff Hanan
Land Use Administrator